

**THE WOODLANDS TOWNSHIP**

**BOARD OF DIRECTORS**

**REGULAR BOARD MEETING**

**MARCH 23, 2011**

**MINUTES**

**THE STATE OF TEXAS   §**

**COUNTIES OF HARRIS & MONTGOMERY   §**

The Board of Directors of The Woodlands Township met in regular session, open to the public, on March 23, 2011, posted to begin at 6:00 p.m. The meeting was held in a meeting room at the office of The Woodlands Township, Service Center, 2201 Lake Woodlands Drive, The Woodlands, Texas, within the boundaries of The Woodlands Township.

**DIRECTORS PRESENT:** Chairman Bruce Tough, Vice Chairman Lloyd Matthews, Secretary Claude Hunter, Treasurer Ed Robb, Director Nelda Blair, Director Tom Campbell, and Director Peggy Hausman

**DIRECTORS ABSENT:** None

**STAFF/ADVISORS:** Don Norrell, President/General Manager, John Powers, Assistant General Manager Community Services, Monique Sharp, Assistant General Manager of Finance & Administration, Fire Chief Alan Benson, Susan Welbes, Director of Human Resources, Nick Wolda, Director of Community Relations/CVB President, Miles McKinney, Legislative Affairs & Transportation Manager, Karen Dempsey, Management Analyst, Mary Connell, Community Relations Manager, Mike Page and Bret Strong, Legal Counsel

**CALL TO ORDER:**

Chairman Tough called the meeting to order at 6:00 p.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouses of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2201 Lake Woodlands Drive, The Woodlands, Texas. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

**CONSIDER AND ACT UPON ADOPTION OF MEETING AGENDA(S):**

Chairman Tough called for a motion and second to adopt the regular and supplemental agendas.

**MOTION:** Motion by Secretary Hunter; second by Director Campbell

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**VOTE:**       **Ayes:** Chairman Tough  
                            Vice Chairman Matthews  
                            Secretary Hunter  
                            Treasurer Robb  
                            Director Blair  
                            Director Campbell  
                            Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

**RECOGNIZE PUBLIC OFFICIALS:**

There were no public officials.

**PUBLIC COMMENT:**

The following members of the public addressed the Board:

- **Ted Stanley**-thanked the Board for their efforts regarding the sale of property located at 250 Harper's Landing
- **Carolyn Lafleur**-spoke about Earth Day "Green Up"

**Public Comment Rosters and handout material are attached hereto as Exhibit "A".**

**RECEIVE AND CONSIDER THE LAW ENFORCEMENT REPORT FROM DIRECTOR OF LAW ENFORCEMENT, MARIAN LECK:**

Marian Leck presented the following law enforcement report:

- Deputy Constable Mike Ruby introduced to the Board and will serve the Village of Creekside Park, Harris County
- Ms. Leck gave an overview of Community Policing
- Crime Prevention, Community & Tourism Oriented Policing 40 hour course currently being held March 21-25, 2011
- MCSO Staffing Report: Sgt. Aaron Sumrall transferred into the newly created Sergeant position for District #4 and Senior Sgt. Ward Hammons transferred from District #2
- Update on crime status and trends
- Update on equipment status
- Report on overtime programs

**RECEIVE AND CONSIDER REPORTS FROM VILLAGE ASSOCIATION REPRESENTATIVES:**

Reports were provided by the following Village Association (VA) representatives:

**Alden Bridge VA**-Steve Leakey reported that Sgt. Cassidy presented a law enforcement report at the last meeting; 20 minute session with Clark Condon regarding Parks study; Directors Campbell and Hunter attended meeting; April 23-Annual Spring Festival at Lakeside Park; full contingent of volunteers for Flea Market, welcomed returning and new members of the Board; elected officers internally

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**Cochran's Crossing VA**-Stuart Schroeder reported that officers were elected internally, welcomed new Board members and wished farewell to departing Board members; Operation Life Saver presentation; law enforcement report from Sgt. Cassidy; received resident concerns regarding a proposed column barium at Christ Church United Methodist, scholarship applications due April 1 and will be awarded in May; discussed purpose statement and would like to focus more on community activities including a Fall Festival in October and a Pool and Ice Cream Social; a few volunteers short for the Flea Market; April 16- Earth Day Green Up; CVB to make a presentation at April meeting

**College Park VA**-Ted Stanley reported that the Village Association has a full Board representing the villages of Grogan's Forest, Windsor Hills and Harper's Landing; law enforcement report from Sgt. Cassidy; annual meeting was held March 21; participated in Parks/Recreation Study conducted by Clark Condon; participating in the Flea Market; preparing for Spring Fling and Sunday in the Park to be held in April and May; thanked additional individuals who were instrumental in the purchase and sale of property located at 250 Harper's Landing

**Indian Springs VA**-Carolyn Dalglish recognized new Board President, Amy Lecocq as well as new Board members; scholarship applications due in April; will announce winner of logo contest in April; mentioned new website; officer Curtis made a presentation; receiving Earth Day and Flea Market volunteer sign ups;

**Panther Creek VA**-Everett Ison reported that new officers and representatives were welcomed; March 26-Flea Market; Hennie Van Rensburg provided information regarding DSC and Covenant Administration and how the appeals process works; participated in the Clark Condon Parks & Rec study; Flag Day-June 11 from 10:00 a.m. to 2:00 p.m.; September 20-Annual Baseball Outing;

**Creekside Park**-No report

**Grogan's Mill VA**-No report

**Sterling Ridge**-No report

**The Village Association Representatives' Sign In Sheet is attached hereto as Exhibit "B".**

**RECEIVE, CONSIDER AND ACT UPON A PROCLAMATION IN SUPPORT OF EARTH DAY;**

John Powers provided a brief introduction of this item and then Chairman Tough called for a motion and second for support of the proclamation. Discussion followed.

**MOTION:** Motion by Director Campbell; second by Director Blair

**VOTE:**       **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

**The Proclamation in Support of Earth Day is attached hereto as Exhibit "C".**

**CONSENT AGENDA:**

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(This agenda consists of non-controversial or "housekeeping" items required by law that will be placed on the Consent Agenda at the next Board Meeting and may be voted on with one motion. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request.)

**CONSIDER AND ACT UPON THE CONSENT AGENDA;**

- (a) Approve corrected minutes of the February 17, 2011 Board Workshop and February 23, 2011 Regular meeting of the Board of Directors of The Woodlands Township;
- (b) Approve the continuation of the existing prevailing wage rate scale adopted by the Board on March 24, 2010 in Resolution 004-10;
- (c) Approve an amendment to The Woodlands Township's 2010 Budget to actual and final approval of expenditures in connection therewith;
- (d) Approve the April 3, 2011 salary increases which were included in the 2011 Adopted Budget;
- (e) Authorize the President/General Manager to execute an easement with CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Texas Gas Operations, contingent upon final review and approval of legal counsel;
- (f) Authorize the President/General Manager to negotiate with the World Triathlon Corporation a Trust Fund Reimbursement Agreement and return to the Board for review and approval;
- (g) Approve an amendment to the 2011 capital budget in the amount of \$7,278,058 for the carryover of certain 2010 capital projects as presented;
- (h) Approve a 2011 budget amendment in the amount of \$16,800 for the Environmental Services budget, line item, contracted services, to fund the remaining balance on the purchase order issued in 2010 for R.W. Beck related to consulting services for the solid waste contract;

As there was no further Board discussion, Chairman Tough called for a motion and second to approve the Consent Agenda as presented.

**MOTION:** Motion by Secretary Hunter; second by Director Blair

**VOTE:**       **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

**Minutes and Executive Summaries for Consent Agenda items are attached hereto collectively as Exhibit "D".**

**BRIEFINGS;**

**RECEIVE A PRESENTATION FROM BURDITT CONSULTANTS, LLC REGARDING THE LAKE AND POND MANAGEMENT STUDY;**

John Powers provided background information on this item. Following Mr. Powers' comments, Paul Howard, principal with Burditt Consultants made a PowerPoint presentation and provided an overview of

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the lake and pond management study. Chris Nunes, Director of Parks and Recreation for The Woodlands Township, provided additional clarification on specific items. No action was taken on this item.

**A copy of the PowerPoint presentation is attached hereto as Exhibit "E".**

## **REGULAR AGENDA:**

### **RECEIVE, CONSIDER AND ACT UPON THE FINANCIAL REPORT:**

Monique Sharp presented the Financial Report and referred the Board to handout material containing the preliminary General Purpose Statements as of and for the two months ended February 28, 2011. After a review of the Combined Financial Statements and Monthly Investment Report, a report on the General Fund Budget vs. Actual was presented. Ms. Sharp then reported on sales tax collections, hotel occupancy tax collections, and property tax collections. Board discussion followed. Chairman Tough then called for a motion and second to approve the Financial Report.

**MOTION:** Motion by Director Campbell; second by Secretary Hunter

**VOTE:**     **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

**The Financial Report is attached hereto as Exhibit "F".**

### **RECEIVE, CONSIDER AND ACT UPON RECOMMENDATION FROM THE AUDIT COMMITTEE REGARDING A REQUEST FOR QUALIFICATIONS TO PROVIDE AUDIT SERVICES:**

Chairman Tough called on Monique Sharp to present this item. Ms. Sharp provided a handout with information regarding a follow up on reference checks for Belt Harris Pechacek, LLP. Ms. Sharp noted that the reference checks for Belt Harris Pechacek, LLP were inconsistent. Chairman Tough then called on Treasurer Robb, Chairman of the Audit Committee, to provide additional comments and a new recommendation. Following discussion, Chairman Tough called for a motion and second to approve the Audit Committee's new recommendation that Blazek & Vetterling be selected to provide professional audit services for The Woodlands Township and its component units for the audit years 2010-2014 subject to an annual review by the Audit Committee. Board discussion followed.

**MOTION:** Motion by Treasurer Robb; second by Director Campbell

**VOTE:**     **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

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**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

A copy of the Executive Summary and handout material for the item above are attached collectively hereto as Exhibit "G".

**RECEIVE, CONSIDER AND ACT UPON EASEMENT ENCROACHMENT AGREEMENT WITH MAGELLAN PIPELINE FOR ALDEN BRIDGE SPORTS PARK EXPANSION;**

Chairman Tough called on John Powers to provide an update on this item. Mr. Powers made a few brief comments and then called on Bret Strong, legal counsel to provide additional information on this item. Board discussion followed and then Chairman Tough entertained a motion by Director Blair to authorize the President/General Manager to execute the Encroachment Agreement with Magellan Pipeline, LP based on one of the following: (1) the Township is released from the pollution exclusion clause; (2) the contractor covers the exclusion and picks up the expense; (3) the premium for whoever picks up the expense is within the spending authority of the President/General Manager. Vice Chairman Matthews seconded the motion.

**MOTION:** Motion by Director Blair; second by Vice Chairman Matthews

**VOTE:**       **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "H".

**RECEIVE, CONSIDER AND ACT UPON APPROVAL OF AN AMENED 2011 MEETING CALENDAR FOR THE WOODLANDS TOWNSHIP BOARD OF DIRECTORS;**

Chairman Tough called on Karen Dempsey to present this item. Ms. Dempsey provided a summary of this item as outlined in an Executive Summary. Following Ms. Dempsey's presentation, Chairman Tough called for a motion and second to amend the 2011 Board meeting schedule to hold the May Board Workshop at 7:30 a.m. on Thursday, May 19 instead of May 12, 2011; hold the regular May Board meeting at 6 p.m. on Wednesday, May 25 instead of May 18, 2011; and hold the meeting to seat the new Board members and elect officers on Wednesday, June 1, at 9:00 a.m. instead of Wednesday, May 25, 2011. Board discussion followed.

**MOTION:** Motion by Vice Chairman Matthews; second by Director Blair

**VOTE:**       **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

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**Nays:** Secretary Hunter

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "I".

**RECEIVE, CONSIDER AND ACT UPON AUTHORIZATION OF PAYMENTS TO MUNICIPAL UTILITY DISTRICT 39 RELATED TO THE SALE OF THE PROPERTY AT 250 HARPER'S LANDING BLVD., IN ACCORDANCE WITH THE 2007 AGREEMENT IN SUPPORT OF COMPROMISE AND SETTLEMENT;**

Chairman Tough called on Don Norrell to present this item. Mr. Norrell provided a summary of this item as outlined in an Executive Summary. Following Mr. Norrell's presentation, the Chair called for a motion and second to authorize the first payment to Municipal Utility District 39 of \$151,923 for 2011 in accordance with the 2007 Agreement in Support of Compromise and Settlement. Board discussion followed.

**MOTION:** Motion by Vice Chairman Matthews; second by Treasurer Robb

**VOTE:**     **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Hausman

**Nays:** Director Campbell

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "J".

**RECEIVE, CONSIDER AND ACT UPON A RECOMMENDATION FOR THE SELECTION OF ARCHITECTURAL AND DESIGN SERVICES FOR CENTRAL FIRE STATION;**

Chairman Tough called on Chief Alan Benson to present this item. Chief Benson provided a summary of this item as outlined in an Executive Summary. Following Chief Benson's presentation, Chairman Tough called for a motion and second to approve selection of Joiner Partnership, Inc. for architectural and design services for the new Central Fire Station project and authorize and direct staff to enter into contract negotiations with Joiner Partnership, Inc. subject to further Board approval. Board discussion followed.

**MOTION:** Motion by Secretary Hunter; second by Director Blair

**VOTE:**     **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

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**ACTION:** Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "K".

**RECEIVE, CONSIDER AND ACT UPON ADOPTION OF A SUPPLEMENTAL ELECTION ORDER APPOINTING ELECTION OFFICIALS AND ESTABLISHING COMPENSATION FOR SAME;**

Chairman Tough called on Mike Page to present this item. Mr. Page provided a summary of this item as outlined in an Executive Summary and supporting documents. Following the presentation, Chairman Tough called for a motion and second to adopt a supplemental election order appointing election officials and establishing compensation for same. Board discussion followed.

**MOTION:** Motion by Secretary Hunter; second by Director Blair

**VOTE:**       **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

Copies of the Executive Summary and Supplemental Election Order are attached hereto collectively as Exhibit "L".

**SUPPLEMENTAL AGENDA:**

**RECEIVE, CONSIDER AND ACT UPON ADOPTION OF AMENDED ORDER CALLING DIRECTORS ELECTION, AMENDING ORDER NO. 004-11 RELATIVE TO POLLING LOCATIONS FOR SAID ELECTION TO BE HELD ON MAY 14, 2011;**

Mike Page presented a summary of this item and then reviewed the polling locations for the May 14, 2011 election that can be found in the Amended Order Calling Directors Election. Following the presentation, Chairman Tough called for a motion and second to adopt Amended Order Calling Directors Election, amending Order No. 004-11 relative to polling locations for said election to be held on May 14, 2011. Board discussion followed.

**MOTION:** Motion by Secretary Hunter as stated above with the stipulation that the Creekside Park polling locations be included in all Township publicity; second by Vice Chairman Matthews

**VOTE:**       **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

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**Absent:** None

**ACTION:** Motion passed unanimously.

**Copies of the Executive Summary and Order for the above item are attached hereto collectively as Exhibit "M".**

## **REGULAR MEETING AGENDA CONT.:**

### **DISCUSS 2009 TAXATION ISSUE:**

Chairman Tough called on Don Norrell to present this item. Mr. Norrell referred the Board to a handout that answered two questions from Director Hausman regarding potential actions that could be taken by the Board or secured through the legislative process to clarify the assessment/tax levy issue. Mr. Page also provided additional information on the subject. Board discussion followed. This item was for information sharing only.

**A copy of the Executive Summary and handout material for the above item are attached hereto collectively as Exhibit "N".**

### **CLOSED MEETING (IF APPLICABLE):**

**RECESS AT 7:38 P.M. TO EXECUTIVE SESSION TO DISCUSS MATTERS RELATING TO REAL PROPERTY PURSUANT TO §551.072, TEXAS GOVERNMENT CODE; DELIBERATION OF ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO §551.087, DISCUSS PERSONNEL MATTERS PURSUANT TO §551.074; TEXAS GOVERNMENT CODE' AND TO CONSULT WITH THE WOODLANDS TOWNSHIP'S ATTORNEY CONCERNING PENDING LITIGATION PURSUANT TO §551.071. TEXAS GOVERNMENT CODE;**

### **RECONVENE IN PUBLIC SESSION AT 8:17 P.M.:**

Chairman Tough announced that it would be necessary to take action at this time on certain items discussed in Executive Session.

**RECEIVE, CONSIDER AND ACT UPON PROVIDING FINANCIAL OR OTHER REQUESTED SUPPORT TO MONTGOMERY COUNTY AND/OR THE LONE STAR GROUNDWATER CONSERVATION DISTRICT IN OPPOSITION TO THE TEXCOM GULF LLC APPLICATIONS FOR INJECTION WELL PERMITS IN MONTGOMERY COUNTY;**

No action was taken on this item.

**RECEIVE, CONSIDER AND ACT UPON APPROVAL OF PROPOSED COMMISSION AGREEMENTS FOR SUBLEASE ACTIVITY AT 10001 WOODLOCH FOREST DRIVE LOCATION;**

Chairman Tough called on Don Norrell to present this item. Mr. Norrell provided a summary of the item as outlined in an Executive Summary. Following Mr. Norrell's presentation, Chairman Tough called for a motion and second to authorize the President/General Manager to execute the Exclusive Listing Agreement with Palermo REI, LP and also authorize the President/General Manager to execute the Sublease Commission Agreement with other brokers who represent clients interested in subleasing the 10001 Woodloch Forest Drive office space, as recommended by the listing agent. No further discussion was needed on this item.

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**MOTION:** Motion by Director Blair; second by Director Campbell

**VOTE:**     **Ayes:** Chairman Tough  
                  Vice Chairman Matthews  
                  Secretary Hunter  
                  Treasurer Robb  
                  Director Blair  
                  Director Campbell  
                  Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "O".

**RECEIVE. CONSIDER AND ACT UPON AN AGREEMENT WITH THE WOODLANDS LAND DEVELOPMENT COMPANY FOR LEASE OF LAKE WOODLANDS AND LAKE WOODLANDS PROPERTY OWNERS ASSOCIATION FOR COVENANT ADMINISTRATION;**

No action was taken on this item.

**RECEIVE, CONSIDER AND ACT UPON AN AGREEMENT BETWEEN THE CENTER FOR THE PERFORMING ARTS AT THE WOODLANDS AND THE WOODLANDS TOWNSHIP RELATING TO FUNDING OF CULTURAL EDUCATION EVENTS;**

No action was taken on this item.

**DISCUSS FUTURE AGENDA/ANNOUNCEMENTS:**

**CONSIDERATION OF ITEMS TO BE PLACED ON THE AGENDA FOR NEXT MONTH'S MEETING:**

- None

**BOARD ANNOUNCEMENTS:**

- Director Blair introduced her sister.

**PUBLIC COMMENT; AND**

The following member of the public addressed the Board:

- **Everett Ison**-provided information regarding a special recognition of Viet Nam veterans on March 29, 2011 by the Texas Senate; April 1, 2011 at 7:00 p.m. the Patriot's Guard will have a film presentation at Moody Garden

**ADJOURNMENT:**

As there was no further business to discuss, Chairman Tough called for a motion and second to adjourn the meeting at 8:33 p.m.

**MOTION:** Motion by Secretary Hunter; second by Director Campbell

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**VOTE:**

**Ayes:** Chairman Tough  
Vice Chairman Matthews  
Secretary Hunter  
Treasurer Robb  
Director Blair  
Director Campbell  
Director Hausman

**Nays:** None

**Abstentions:** None

**Absent:** None

**ACTION:** Motion passed unanimously.



  
Claude Hunter  
Secretary, Board of Directors

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**EXHIBIT OMISSIONS\***

EXHIBIT "A"	EXHIBIT "I"
EXHIBIT "B"	EXHIBIT "J"
EXHIBIT "C"	EXHIBIT "K"
EXHIBIT "D"	EXHIBIT "L"
EXHIBIT "E"	EXHIBIT "M"
EXHIBIT "F"	EXHIBIT "N"
EXHIBIT "G"	EXHIBIT "O"
EXHIBIT "H"	

**\*To view Exhibits, please contact the Records Management Analyst at 281-210-3800.**